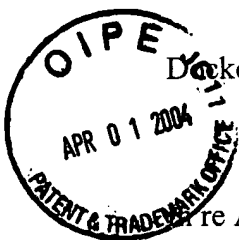


Image

1638



Docket No.: 50229-295

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Application of

Deane Louis FALCONE, et al.

Serial No.: 10/045,677

Filed: January 15, 2002

For: METHODS TO IDENTIFY PLANT METABOLITES

: Customer No.: 20277  
:  
: Confirmation No.: 2298  
:  
: Group Art Unit: 1638  
:  
: Examiner: David Kruse  
:

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

This is in response to the Restriction Requirement mailed March 1, 2004. Accordingly, this response is due on or before April 1, 2004.

The Examiner requires restriction to one of the following groups of claims:

Group I, including claims 1-13, directed to methods of identifying plant genetic material;

Group II, including claims 14-25, directed to a method of detecting a gene product in a plant; and

Group III, including claim 25, directed to a method of detecting a product of secondary metabolism in plants.

In response to this requirement, applicants elect the invention of Group Group I, including claims 1-13. The requirement for restriction is respectfully traversed and reconsideration is requested.

In making the requirement, the Examiner holds that the claims of Groups I to III **are unrelated on grounds that they are not disclosed as capable of use together and have different modes of operation, different functions, or different effects.** As the Examiner will appreciate from the specification, the present invention relates to various methods which represent a single inventive concept in that in the various methods there is a common thread in that the method steps involve causing random integration of enhancer containing T-DNA into a plant genome and screening the resulting calli that are generated for an effect on plant metabolites. As such, applicant submits that the various claims referred to by the Examiner as representing separate inventions in fact represent a single inventive concept and all claims should be examined in this application. Accordingly reconsideration of the restriction requirement is request.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



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**Date: April 1, 2004**